

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 7 - 2000

IN RE: VITAMINS ANTITRUST
LITIGATION,

NANCY MAYER-WHITTINGTON, CLERK
U.S. DISTRICT COURT

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) Misc. No. 99-197 (TFH)
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THIS DOCUMENT APPLIES TO:
ALL ACTIONS.

ORDER

Upon consideration of the letters received by the Court¹ regarding the remaining unresolved issues raised in defendants' motions to dismiss, it is hereby

ORDERED that the Court will defer ruling on Degussa-Huls Corporation's motion to dismiss Publix Super Markets, Inc.'s fraudulent concealment claims under the Florida Deceptive and Unfair Trade Practices Act until this issue has been fully briefed in the NBTY, et al. case. It is further hereby

ORDERED that The Proctor & Gamble Company either file a proposed stipulated order explicitly stating that they do not interpret their complaint to assert a "price squeeze" claim or file a memorandum in opposition to Degussa-Huls Corporation's motion to dismiss this price squeeze claim within five days of receipt of this Order. And it is further hereby

ORDERED that Degussa-Huls Corporation's motion to dismiss The Proctor & Gamble Co.'s antitrust claim under the Ohio Valentine Act and Ohio fraudulent concealment claims for the same reasons that The Proctor & Gamble Company's Sherman Act and federal fraudulent concealment claims should be dismissed is **DENIED** as moot, since it was resolved by the

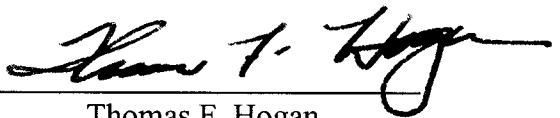
¹All of these letters have now been filed.

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Court's May 9, 2000 opinion. It is also hereby

ORDERED that within seven days of receipt of this order the relevant defendants file a consolidated response, if any, to plaintiff Bristol-Myers Squibb Company's motion for reconsideration of the Court's May 9, 2000 memorandum opinion with respect to the claims under § 340(6) of the Donnelly Act for indirect purchases. The request of defendants DCV, Inc. and DuCoa L.P. to modify the Court's May 9, 2000 memorandum opinion and order to grant DCV, Inc.'s and DuCoa, L.P.'s motion to dismiss with respect to the NBTY, et al. plaintiffs' claims under the Donnelly Act for indirect purchases that occurred prior to December 23, 1998 will be resolved by the Court when it rules upon the pending motion for reconsideration.

June 6, 2000


Thomas F. Hogan
United States District Judge